

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ALVIN FULTON, JR.,

Plaintiff,

v.

9:02-CV-1248
(FJS/GHL)

DANIEL SENKOWSKI,

Defendant.

APPEARANCES:

OF COUNSEL:

ALVIN FULTON, JR., 02-B-0775
Plaintiff, *Pro Se*
Great Meadow Correctional Facility
Box 51
Comstock, New York 12821

HON. ELIOT L. SPITZER
Attorney General of the State of New York
Counsel for Defendant
The Capitol
Albany, New York 12224-0341

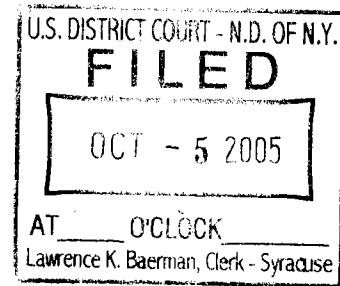
BRIDGET ERIN HOLOHAN, ESQ.
Assistant Attorney General

GEORGE H. LOWE, United States Magistrate Judge

ORDER

Currently before the Court is Plaintiff's motion for a judgment declaring that the State of New York may not indemnify or defend Defendant Senkowski in this matter. (Dkt. No. 80.) I deny this motion without prejudice for three reasons. First, the motion is without merit. Second, the motion does not comply with the Federal Rules of Civil Procedure or the Local Rules of Practice for this Court.¹ Third, the motion is premature, since no judgment has been rendered

¹ See, e.g., Fed. R. Civ. P. 7(b)(1) (requiring that motions "state with particularity the grounds [for the motion]"); N.D.N.Y. L.R. 7.1(a)(1) (requiring motion to be accompanied by




against Defendant Senkowski.

ACCORDINGLY, it is

ORDERED that Plaintiff's motion for a judgment declaring that the State of New York may not indemnify or defend Defendant Senkowski in this matter (Dkt. No. 80) is **DENIED** without prejudice. Plaintiff may renew the motion only in the event that a judgment is rendered against Defendant Senkowski.

Dated: October 5, 2005
Syracuse, New York


George H. Lowe
United States Magistrate Judge

a memorandum of law); N.D.N.Y. L.R. 7.1(a)(2) (requiring motion to be accompanied by an affidavit that does "not contain legal arguments but . . . contain[s] factual and procedural background appropriate for the motion being made").